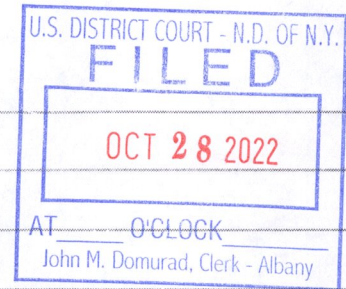


9:22-CV-825

United States District Court  
Northern District of New York



Vincent Verdi

Plaintiff

v

R. Farah, Deputy Superintendent  
for Administration, in his individual  
capacity and

Dr. HLA-PE-WJN in his  
individual capacity

Defendants

Civil Rights Complaint  
Pursuant to 42 USC 1983

Civil Case No.

Jury Trial Demanded

1. The plaintiff is a pro se litigant who had previously filed a civil complaint with this court and was assigned civil case number: 9:22-cv-00825-CFH. Whereas IAW Federal Rules of Civil Procedure 15(a) the movant is filing an amended complaint which shall supercede and replace the original complaint.

### Jurisdiction

2. This is a civil rights action, brought pursuant to 42 USC 1983, alleging Constitutional violations of plaintiff's rights under the Eighth and Fourteenth Amendments to the United States Constitution. This Court has jurisdiction over the plaintiff's



Claims pursuant to 28 USC 1331, 1343 (3) and (4) and 2201.

### Venue

3. The Northern District Court of New York is an appropriate venue because the events giving rise to the causes of this action herein occurred at Shawangunk Correctional Facility (SCF), located at 200 Quick Road, Wall Kill, New York, 12589.

### Parties

4. Plaintiff Vincent Verdi is currently an incarcerated individual at SCF in the custody of New York State Department of Corrections and Community Supervision (DOCCS). And at all times the events that occurred herein was incarcerated at SCF.
5. Defendant R. Farah is the Deputy Superintendent for Administration at SCF is responsible for the conditions and operations at the prison, and is Dr. HLA-PE-WJN's direct supervisor. R. Farah is sued in his individual capacity.
6. Defendant Dr. HLA-PE-WJN (medical license No. 225440) was at all times relevant to the claims herein the



primary health care physician employed or retained by DOCs to provide medical care at SCF. Dr. HLA-PE-WJN is sued in his individual capacity.

### Previous Lawsuits

7. The plaintiff filed a previous lawsuit with this court and was assigned civil case number: 9:22-cv-00825-CFH.

### Exhaustion of Administrative Remedies

8. The plaintiff has exhausted all administrative remedies before filing this civil lawsuit against the defendants.

### Factual Allegations

9. The plaintiff has a long family history of rheumatism. The plaintiff's mother suffered from rheumatoid arthritis which resulted in her losing her ability to walk on her own. She was confined to a wheelchair at the early age of seventy. And the plaintiff's father broke his hip and twenty-four hours after being hospitalized, he had passed away.
10. The plaintiff is sixty-seven years old who suffers from



degenerate osteoarthritis of both hips, and suffers from

tricompartamental osteoarthritis of his right knee.

11. The plaintiff is a seventy-percent disabled combat veteran and as such meets the legal standard of a disabled person IAW 28 CFR 35.108. The plaintiff was diagnosed by the Department of Veterans Affairs.
12. On or about October 2021, the plaintiff submitted a sick call slip requesting to see the prison physician to address the excruciating pain that the plaintiff was experiencing from his left hip. Days later, the plaintiff met with Dr. HUA-PE-WJN and reported to him how the pain was effecting his daily activities in a substantial way; that it was impacting the plaintiff's ability to walk, bend down, and stand for any length of time without the infliction of excruciating pain.
13. Dr. HUA-PE-WJN ordered the plaintiff to get an X-ray of his left hip. However, the plaintiff was incredulous



as to why DR. HLA-PE-WJN did not conduct any physical examination or ask the plaintiff about his family history relative to rheumatism or provide the plaintiff an interim medical treatment plan, before the results of the x-ray.

DR. HLA-PE-WJN even failed to ask the plaintiff how he injured his hip.

14. Upon information and belief, the plaintiff's initial meeting with the defendant seemed grossly inadequate relative to the plaintiff's symptoms. The defendant's actions seemed totally unreasonable.

15. On or about February 2022, the plaintiff left hip was x-rayed at SCF infirmary.

16. On or about February 2022, the plaintiff was undergoing his annual physical examination and asked the nurse practitioner who was conducting the examination if the plaintiff's radiological report was in his medical file. She had confirmed that it was



and ~~that~~ the radiologist had determined ~~that~~ the plaintiff had suffered a 9 mm osseous fragment seen inferior to the left pubic arch, consistent with an avulsion injury of the ischial tuberosity with a fragment sharply defined and displaced inferiorly.

17. The radiologist had also determined that the plaintiff suffers from a disease known as degenerative osteoarthritis of his left hip and knee. The radiologist had completed his report on December 15, 2021, and Dr. HUA-PE-WSN had reviewed the plaintiff's report on January 15, 2022. Dr. HUA-PE-WSN had put his initials on the report, acknowledging the radiologist findings, and checked a box indicating "follow-up will be arranged with a primary provider". Exhibit 1

18. The plaintiff was alarmed knowing the plaintiff's family history of his disease. The day following plaintiff's examination, he submitted another sick call slip requesting



an immediate appointment with Dr. HUA-PE-WJN to discuss the radiologist report and what medical treatment plan he would prescribe for the plaintiff.

19. About a week after submitting plaintiff's sick call slip, plaintiff receives an appointment to see Dr. HUA-PE-WJN for April 7, 2022. The plaintiff was dumbfounded as to why Dr. HUA-PE-WJN would schedule the appointment so far off and not schedule to see the plaintiff immediately, knowing the plaintiff's age, the seriousness of his diagnosis, and his symptoms.

20. The plaintiff became alarmed and anxious, and sent Dr. HUA-PE-WJN numerous sick call requests to be seen much sooner, explaining to Dr. HUA-PE-WJN that the plaintiff's symptoms were getting worse, and it was causing the plaintiff significant pain, but all the plaintiff's cries for medical treatment were denied.

The plaintiff was informed that he had to wait until his



scheduled appointment on April 7, 2022. It was clear that plaintiff urgently needed medical attention and Dr. HUA-PE-WIN's delay in seeing the plaintiff would likely put the plaintiff at substantial risk of further injury if immediate medical attention were not provided by Dr. HUA-PE-WIN.

#### Inadequate Medical Care

21. On April 7, 2022, plaintiff met with Dr. HUA-PE-WIN. The plaintiff reiterated his symptoms to Dr. HUA-PE-WIN, and asked him why he saw fit to delay in consulting with the plaintiff when he had reviewed the plaintiff's radiological report on January 5, 2022. Dr. HUA-PE-WIN at this time became very defensive and berated the plaintiff. He seemed very surprised that the plaintiff knew that he had reviewed the plaintiff's radiological report, and upon information and belief, why he intentionally postponed the plaintiff's appointment.
22. The plaintiff asked Dr. HUA-PE-WIN how he was going to treat



the plaintiff's injury. Dr. HLA-PE-WJN told the plaintiff not to put any weight on his left side. It was obvious to the plaintiff. Plaintiff immediately understood that keeping his weight off his left side would thwart the worsening of his injury and asked him if he would write a prescription for a walking cane. Plaintiff then asked Dr. HLA-PE-WJN if he would prescribe a vitamin D supplement to help plaintiff's degenerative osteoarthritis, and if he would order the plaintiff to get a bone mineral density test. Plaintiff explained to Dr. HLA-PE-WJN his family history of rheumatism and the circumstances surrounding the plaintiff's parents succumbing to the disease. The plaintiff was concerned that if his disease went untreated by Dr. HLA-PE-WJN that the plaintiff would succumb to it too.

23. The plaintiff then asked Dr. HLA-PE-WJN if he would refer the plaintiff to an outside qualified specialist. And upon



information and belief that Dr. HLA-PE-WJN only has general knowledge, and is not qualified as a specialist. Dr. HLA-PE-WJN denied all of the plaintiff's requests. Dr. HLA-PE-WJN also failed to conduct any physical examination of the plaintiff's symptoms. Dr. HLA-PE-WJN denied medical treatment to the plaintiff, and upon information and belief, the defendant's actions seemed to be malicious and intentionally deliberate toward the plaintiff.

#### Deliberate Indifference

24. After Dr. HLA-PE-WJN had denied and/or prescribed any medical treatment plan, the plaintiff was desperately seeking some type of relief, and asked Dr. HLA-PE-WJN if he would provide the plaintiff with a medical permit for a chair. The plaintiff explained that sitting in a chair provided support to plaintiff's lower back and helped lessen the plaintiff's acute pain emitting from the plaintiff's left hip.



Dr. HUA-PE-WJN denied that request too.

25. It was clear that the plaintiff was urgently seeking medical treatment. The plaintiff became more concerned that if Dr. HUA-PE-WJN continued to delay and deny treating the plaintiff's disease, especially Dr. HUA-PE-WJN knowing the plaintiff's age, family history of the disease, the radiological report coupled with the plaintiff's symptoms; the plaintiff's condition would continue to degenerate.

26. Dr. HUA-PE-WJN ignored all of the plaintiff's pleas for medical treatment, but Dr. HUA-PE-WJN saw fit to order the plaintiff get a second X-ray of his left hip. The plaintiff was incredulous as to why the defendant would order the plaintiff to get a second X-ray. Dr. HUA-PE-WJN's actions to continue to delay in treating the plaintiff's injury clearly demonstrates his deliberate indifference to the plaintiff's medical needs despite Dr. HUA-PE-WJN's knowledge of the plaintiff's serious



degenerative disease, that if Dr. HIA-PE-WJN continued not to treat the plaintiff it would likely put the plaintiff at substantial risk of further injury.

27. On April 7, 2022, plaintiff filed a grievance with the Inmate Grievance Resolution Committee (IGRC) for a chair and on April 14, 2022, the plaintiff filed a Special Accommodation request (DOCS form 264B) requesting a chair to help bring the plaintiff some relief. Exhibit 2 and 3.
28. On April 18, 2022, Dr. HIA-PE-WJN received the plaintiff's Special Accommodation Request and indicated on the form that the plaintiff had "no medical record on file," and that the plaintiff had "no physical disability or any functional limitations." Exhibit 3.
29. All of Dr. HIA-PE-WJN's claims were blatantly untrue. Dr. HIA-PE-WJN's actions were clearly deliberate and he intended to thwart the plaintiff's efforts to obtain any



type of remediation for the plaintiff's pain and suffering.

Furthermore, when DR. HUA-PE-WAN filed a false (medical report)

he had violated Education Law 6530(21), and engaged in conduct

evidencing moral unfitness to practice medicine, is a

violation of Education Law 6530(20). DR. HUA-PE-WAN's

actions alone should shock one's moral consciousness

of fairness.

30. On April 27, 2022, Deputy Superintendent for Programs

denied the plaintiff's Special Accommodation Request.

She stated on the form that there was "no medical need indicated". Her determination to deny the plaintiff

a chair was solely based on DR. HUA-PE-WAN's false report. Exhibit 4

31. On May 3, 2022, the IGRC approved the plaintiff's request for a chair, but on May 4, 2022, Superintendent McGuinness overturned it.

On May 17, 2022, the plaintiff appealed the Superintendent's decision to



Central Organization Resolution Committee (CORC). Exhibits

5, 6 and 7.

32. On May 3, 2022, plaintiff writes to R. Farah, Dr. HLA-PE-WJN's supervisor. Plaintiff made R. Farah aware of the plaintiff's radiological report findings and how the plaintiff's injury was impacting the plaintiff's daily life functions; such as the plaintiff's ability to walk, bend down, and stand for any length of time without experiencing excruciating pain. Exhibit 8

33. The plaintiff had informed R. Farah that Dr. HLA-PE-WJN had not treated the plaintiff's injury in the means and the manner of adequate medical care. The plaintiff request R. Farah to take the appropriate action necessary to remedy the plaintiff's medical concerns with Dr. HLA-PE-WJN.

34. R. Farah failed to respond to the plaintiff's letter, and upon information and belief, his action not to intervene demonstrates his deliberate indifference to the plaintiff's rights, and his failure



to act on information provided by the plaintiff of the unconstitutional practices that are taking place in the infirmary by DR. HUA-PE-WIN.

35. On June 3, 2022, plaintiff sends R. Farah another letter asking him why he has failed to respond to the plaintiff and intervene in resolving the plaintiff's medical concerns. Upon information and belief, the defendant's failure to take any action in resolving the plaintiff's medical issues, R. Farah was creating an environment in the infirmary that would allow DR. HUA-PE-WIN's wrongful actions to go unchecked<sup>and</sup> that he would be contributing in exacerbating the plaintiff's degenerative disease. Exhibit 9

36. On July 19, 2022, plaintiff received a letter from the prison nurse administrator, RN/NA Marisa Ruiz. She had apologized to the plaintiff for DR. HUA-PE-WIN's failure to treat the plaintiff's medical issues, but she had assured the plaintiff



that Dr. HUA-PE-WJN was going to schedule an appointment with the plaintiff to address the plaintiff's injury within the month. Dr. HUA-PE-WJN never scheduled an appointment with the plaintiff. Exhibit 10

32. As of the filing of this civil lawsuit the plaintiff's injury has not been treated and it has worsened. The plaintiff's pain and suffering continues, and performing life's simplest daily functions is a challenge. The plaintiff's disease will continue to degenerate the longer it goes untreated. It's a Constitutionally protected right that all incarcerated individuals, at a minimum, receive adequate medical care; however, the defendants in this civil lawsuit have totally abrogated that right to the plaintiff, and has put the plaintiff at substantial risk of further injury.



### Course of Action

38. Plaintiff supports the following claims by reference to the previous paragraphs of this complaint.

### Count I

39. The deliberate indifference of defendants, R. Farah and Dr. HUA-PE-WIN has deprived and continue to deprive plaintiff's Constitutional right to medical treatment for his degenerative disease constitutes a violation of the plaintiff's Eighth and Fourteenth Amendments of the United States Constitution.

### Count II

40. Defendants, Dr. HUA-PE-WIN falsified the plaintiff's medical condition on a Doxys form demonstrating his deliberate indifference to the plaintiff constitutes a violation of the plaintiff's Eighth Amendment of the United States Constitution.

### Count III

41. Defendant, R. Farah's failure to intervene in Dr. HUA-PE-WIN's action not to treat the plaintiff's serious medical condition



after the plaintiff put R. Farah on constructive notice constitutes a violation of the plaintiff's Fourteenth Amendment of the United States Constitution.

### Prayer For Relief

Wherefore the plaintiff respectfully prays this court:

1. Declare that the acts described herein violated plaintiff's rights under the Constitution and the laws of the United States.
2. The court enter a judgment in favor of the plaintiff for compensatory and nominal damages, as allowed by law, against each defendant jointly and severally for all the pain and suffering the plaintiff endured and continues to endure.

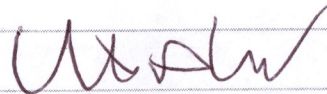
And the court demand the defendants treat the plaintiff's injury and make the plaintiff financially whole for all expenses incurred in filing this lawsuit.

3. Order such additional relief as this court may deem just



and proper.

Respectfully submitted this 25 day of October, 2022.



Vincent Verdi

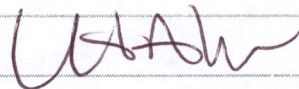
D.N # 19A2467

Shawangunk Correctional Facility

200 Quirk Road

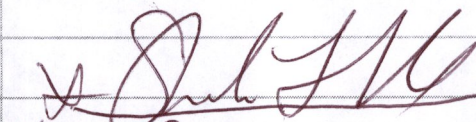
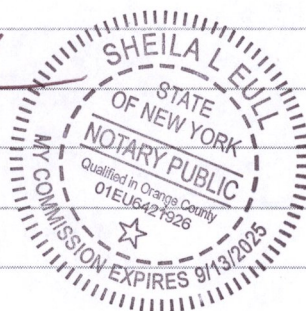
Wallkill, New York, 12589

Pursuant to 28 USC 1764, I declare and verify under penalty  
of perjury under the laws of the United States of America  
the foregoing is true and correct.



Vincent Verdi

Notary: Sworn before me this 25 day of October, 2022.

  
Notary Signature



FROM :

FAX NO. :

Jan. 05 2002 05:20AM P3

State of New York  
Department of Corrections and Community Supervision  
**REQUEST FOR RADIOLOGICAL EXAMINATION**

☐ Urgent  
☒ Routine

Inmate: Unant Vesdi DIN: 19A 246 DOB: 7-5-55  
First Name Last Name  
Facility: SWR Date Received: 12/14/21 Location: B-11-045

Transport/Ambulation Assistance/Precautions Needed: NA

Reason for X-ray/pertinent medical history: Xg of knee both (by  
c/o PAIN / STIFFNESS IN HIPS & KNEES

Area X-Rayed: Hip + knee (both Xg)  
Ordered By: [Signature] Date: 12/13/21 Time: \_\_\_\_\_  
Provider Name

Technologist: JOEB Date/Time of exam: 12/14/21

**Report/Findings:**

Both hips AP & frog lateral views each side shows no recent fracture, dislocation or avascular necrosis either side. Narrowing joint space with sclerosis & osteophyte formation mild in Rt hip & moderate in Lt hip. 9mm osseous fragment seen inferior to Lt pubic arch consistent with old avulsion injury of ischial tuberosity (hamstring) with fragment sharply defined & displaced inferiorly.

IMP: DEGENERATIVE OSTEOARTHRITIS BOTH HIPS MILD RT HIP & MODERATE LT HIP.  
OLD AVULSION INJURY LT ISCHIAL TUBEROSITY.

Both knees 3 views each side shows no fracture, dislocation or joint effusion. Narrowing of all joint compartments with bony productive change moderate in Rt knee involving to greater extent medial joint compartment & mild Lt knee 3mm posterior joint body Lt knee.

IMP: MODERATE DEGENERATIVE TRICOMPARTMENTAL OSTEOARTHRITIS RT KNEE INVOLVING TO GREATER EXTENT MEDIAL JOINT COMPARTMENT.

MILD DEGENERATIVE TRICOMPARTMENTAL OSTEOARTHRITIS LT KNEE ASSOCIATED WITH 3MM POSTERIOR JOINT BODY. NO PRIOR STUDY.

REVIEWED BY (init.) MT 1/5/22 DATE

☐ NO ACTION IS REQUIRED AT THIS TIME

☐ REPORT TO SICK CALL

☒ FOLLOW UP WILL BE ARRANGED WITH PRIMARY PROVIDER

☒ FOLLOW UP WILL BE ARRANGED WITH A SPECIALIST

☒ NOTIFICATION FORM COMPLETED AND DISTRIBUTED

Read by: RJMuller, MD

Date: 12/15/21

White Copy: Ambulatory Health Record/X-Ray section  
Form 3108 (11/16)

Yellow Copy: X-Ray Folder

EXHIBIT 1

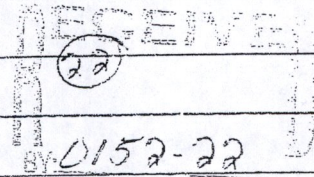


April 7, 2022

TO: Mr. Cunningham

IGRC

From: Vincent Verdi 19A2467 B1104

Background Information:

On April 7, 2022, I met with Dr. HLA-PE-WJN, medical license number 225440. After discussing my medical concerns with him I have come to the conclusion that his actions were deliberately indifferent toward me and I question with great concern his medical competency in treating me and the many other patients under his care at Shawangunk. I believe Dr. HLA-PE-WJN has continually violated my rights under Eighth and Fourteenth Amendments as well as Title II of the Americans with Disabilities Act (ADA) 42 USC §§ 12101 et seq. I am 70% disabled military veteran who suffers from thoracic and lumbar facet joint compression. Every time that I have met with him he is more concerned with protecting himself from a legal lawsuit than in treating and listening to my medical concerns. All my conversations with him he has been extremely defensive in responding to the few questions that he permits me to ask him. It's not a positive open dialogue that any individual would expect between a patient and their primary care provider.

Medical Grievance:

I have a fractured left hip and that diagnosis has been confirmed by a radiologist and the report is in my medical file. I tried to explain to him that my left hip fracture coupled with my back pain limits my major life activities such as: standing for long periods of time, walking and bending.



(22)

1/15/22

I further explained that sitting in a chair with my back supported alleviates my hip and back pain and as such I am requesting him to provide me a medical permit to have a chair in my cell. Its clearly not a security concern because all double bunk cells have chairs and those that have legitimate medical issues have them too. He totally dismissed my request and ordered another x-ray of my hip to confirm what the radiologist already had confirmed. His actions are malevolent and raise to the level of medical malfeasance. In essence he is postponing my medical treatment that is only exacerbating my pain. His actions clearly fall within the legal <sup>threshold</sup> standard in meeting the subjective and objective prongs of deliberate indifference under the Fourteenth Amendment and him postponing medical treatment he is violating my Eighth Amendment.

I currently have a medical permit to remain on the bottom tier and I am a feed in because navigating the stairs would be dangerous for me.

Resolution Requested:

I want him to provide me a permit for a chair in my cell.

Vincent Verdi

19A2467

cc: Arthur Gage

Attorney-at-law

Tucson, Arizona



Revised (7/11)  
Form #2614B  
COPY LOCALLY  
AS NEEDED

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

# REQUEST FOR REASONABLE ACCOMMODATION

Shawangunk

Correctional Facility

Inmate's Name <u>VINCENT VERDI</u>		DIN# <u>19A2467</u>	Date <u>April 14, 2022</u>
INMATE'S REQUEST	I request reasonable accommodation to participate in the following program and/or service: <u>N/A</u>		
	I am limited in my ability to (explain disability or limitation): <u>stand walk and bend because of my left hip fracture and my thoracic and lumbar compression limits my daily activities. I am a 70% disabled combat veteran.</u>		
	The accommodation requested is: <u>For a chair in my cell.</u>		
	(Sign and forward to the Deputy Superintendent for Program Services) <u>[Signature]</u> Inmate's Signature		
REC'D BY DSP	<u>LBrennan</u> (DSP Name)	<u>ABrennan</u> (Signature)	<u>4/15/22</u> Date
MEDICAL VERIFICATION	Disability <u>NONE</u>		
	Functional limitations <u>NONE</u>		
	No medical verification is on file. Follow-up appointment scheduled? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
	Date inmate notified of pending medical evaluation/consult: <u>[Signature] + H. P. W. MD</u> (Medical staff name - title) (Signature) <u>4/18/22</u> Date		
REASONABLE ACCOMM. DETERMINATION	The above requested reasonable accommodation has been: <input type="checkbox"/> Approved <input type="checkbox"/> Modified <input checked="" type="checkbox"/> Denied		
	The specific accommodations approved are: _____		
	Explanation of modification or denial: <u>no medical need indicated</u>		
	<u>[Signature]</u> <u>ABrennan</u> <u>4/27/22</u> (Inmate's Signature) (DSP or designee signature) Date		
INMATE RECEIPT	<input type="checkbox"/> I agree <input checked="" type="checkbox"/> I disagree with this determination.		
	I understand my right to file a grievance in accordance with Directive #4040, "Inmate Grievance Program" Signature <u>[Signature]</u> Date <u>4/29/22</u>		

Original - Guidance Folder  
Copies - Inmate, Superintendent, Medical, Parole, ADA Coordinator (Central Office)



Revised (7/11)  
Form #2614B  
COPY LOCALLY  
AS NEEDED

## STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

## REQUEST FOR REASONABLE ACCOMMODATION

Shawangunk

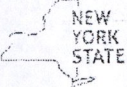
Correctional Facility

Inmate's Name <u>VINCENT VERDI</u>		DIN# <u>19A2467</u>	Date <u>April 14, 2022</u>
INMATE'S REQUEST	I request reasonable accommodation to participate in the following program and/or service: <u>N/A</u>		
	I am limited in my ability to (explain disability or limitation): <u>stand walk and bend because of my left hip fracture and my thoracic and lumbar compression limits my daily activities. I am a 70% disabled combat veteran.</u>		
	The accommodation requested is: <u>For a chair in my cell.</u>		
	(Sign and forward to the Deputy Superintendent for Program Services) <u>[Signature]</u> Inmate's Signature		
REC'D BY DSP	<u>LBrennan</u> (DSP Name)	<u>ABrennan</u> (Signature)	<u>4/15/22</u> Date
MEDICAL VERIFICATION	Disability <u>NONE</u>		
	Functional limitations <u>NONE</u>		
	No medical verification is on file. Follow-up appointment scheduled? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no		
	Date inmate notified of pending medical evaluation/consult: _____ <u>[Signature]</u> <u>Hla Pe Win MD</u> <u>4/18/22</u> (Medical staff name - title) (Signature) Date		
REASONABLE ACCOMM. DETERMINATION	The above requested reasonable accommodation has been: <input type="checkbox"/> Approved <input type="checkbox"/> Modified <input checked="" type="checkbox"/> Denied		
	The specific accommodations approved are: _____		
	Explanation of modification or denial: <u>no medical need indicated</u>		
	<u>[Signature]</u> <u>ABrennan</u> <u>4/27/22</u> (Inmate's Signature) (DSP or designee signature) Date		
INMATE RECEIPT	<input type="checkbox"/> I agree <input checked="" type="checkbox"/> I disagree with this determination.		
	I understand my right to file a grievance in accordance with Directive #4040, "Inmate Grievance Program" Signature <u>[Signature]</u> Date <u>4/29/22</u>		

Original - Guidance Folder  
Copies - Inmate, Superintendent, Medical, Parole, ADA Coordinator (Central Office)

EXHIBIT 84



 <p>NEW YORK STATE Corrections and Community Supervision</p> <p>INCARCERATED GRIEVANCE PROGRAM</p> <p>IGRC HEARING RESPONSE</p>	GRIEVANCE NO. <u>0152-23</u>	HEARING DATE <u>5-3-2027</u>
	GRIEVANT NAME <u>VERDI V</u>	DIN <u>19A2467</u>
	FACILITY <u>SHAWANGUNK</u>	HOUSING UNIT <u>B1-104</u>
	HELD IN ABSENCE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If yes, why:	

Response of IGRC: Chairs have been allowed in double bunkers for years with no mention of a security risk. I/I's request is reasonable and should be granted.

Chairperson: \_\_\_\_\_

IGRC Members: \_\_\_\_\_

W. R. W. 1/2  
W. R. W. 1/2  
V. Parker  
K. King

Date Returned to Grievant: \_\_\_\_\_

Appeal:

If you wish to appeal, please check the appropriate box below and return within 7 calendar days to the IGRC office at the facility where the grievance was filed.\*

☐ I disagree with the IGRC response and wish to appeal to the Superintendent.

☐ I have reviewed the Deadlocked response. Refer to Superintendent.

☒ I agree with the IGRC response and wish to appeal to the Superintendent.

☐ I want to apply to the IGP Supervisor for review of the IGRC dismissal.

Grievant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

\*An exception to the time limit may be requested under Directive #4040, § 701.6 (g).


To be completed by Grievance Clerk

Grievance Clerk Signature: \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Forwarded to Superintendent For Action: \_\_\_\_\_

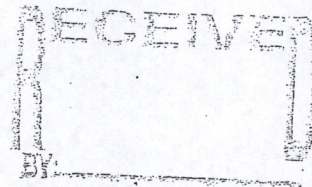


 <b>NEW YORK STATE</b> <b>Corrections and Community Supervision</b>  <b>INMATE GRIEVANCE PROGRAM</b>  <b>SUPERINTENDENT</b> <b>Thomas McGuinness</b>	GRIEVANCE NO.	DATE FILED
	SHG-0152-22	04/13/22
	FACILITY	POLICY DESIGNATION
	Shawangunk Correctional Facility	
	TITLE OF GRIEVANCE	CLASS CODE
	Wants standard chair for cell use	22
	SUPERINTENDENT'S SIGNATURE	DATE
	<i>T McGuinness</i>	05/04/22
GRIEVANT	DIN	HOUSING UNIT
Verdi, V.	19-A-2467	B1-104

Grievant complains his medical issues cause him discomfort. Grievant says a chair will help alleviate his discomfort. He would like a medical permit to have a standard chair in his cell.

The facility Nurse Administrator R..., determined at this time a chair in the cell is a security and safety risk.

Grievance is denied.



#### APPEAL STATEMENT

If you wish to refer the above decision of the Superintendent, please sign below, and return this copy to your Inmate Grievance Clerk. You have seven (7) calendar days from receipt of this notice to file your appeal. \* Please state why you are appealing this decision to C.O.R.C.

*I will appeal the Superintendents decision to C.O.R.C. for a myriad of legal violations by this administration and for medical malpractice by DR. HLA-PE-WIN, license number 225480.*

GRIEVANT'S SIGNATURE

*5/11/22*

DATE

GRIEVANCE CLERK'S SIGNATURE

DATE

\*An exception to the time limit may be requested under Directive #4040, section 701.6 (g)  
Form 2133 (02/15)

EXHIBIT 6



MAY 17, 2022

TO: CORC

Albany, New York

FROM: Vincent Verdi DIN# 19A2467  
Shawangunk Correctional Facility  
PO Box 700  
Wallkill, N.Y. 12589

Dear C.O.R.C.:

I am submitting this appeal for the committee's consideration in overturning Superintendent McGuiness decision in denying me a medical permit for a chair in my cell to thwart my pain due to my left hip fracture. Chairs do not present any security concerns. Incarcerated individuals with legitimate medical concerns are granted medical permits. Furthermore, incarcerated individuals that have no medical issue that reside in cells with double bunk beds all have chairs. Clearly the DOCCS and the administration at Shawangunk finds chairs do not present any security concerns.

I remain sanguine that after you examine all the evidence that I have submitted to your committee you will provide me a fair and just decision that is guided by your moral conscience. And overturn the Superintendents decision and grant me the chair.

In October 2021, I met with Dr. HLA-PE-WSN to discuss with him my constant left hip pain and how it was impacting my daily life functions. Such as my ability



Vincent Verdi DIN # 19A2467<sup>2</sup>

to walk, bend, and stand for long periods of time. He ordered an x-ray. A month later my hip was x-rayed and on December 15, 2021, Dr. Muller a radiologist found that I had a 9mm osseous fragment seen inferior to my left pubic arch consistent with avulsion injury of ischial tuberosity with fragment sharply defined and displaced inferiorly. He also found that my left hip had moderate degenerative osteoarthritis. See enclosed Radiological report.

The following day I submitted a sick call slip requesting to be seen by Dr. HLA-PE-WSN to discuss my medical treatment options. I received an appointment to see him on April 7, 2022. Eight weeks later! On April 7, 2022, I met with Dr. HLA-PE-WSN. At this point in time I was in extreme pain and walking, bending, and standing was very challenging for me, but I found sitting in a chair with my back supported alleviated all of my hip pain. Whereas sitting on my bed or lying down did nothing to impede my pain. I asked him for a medical permit for a chair in my cell but he denied it without any explanation. I asked him to order a bone mineral density test and prescribe a vitamin D supplement for me but he denied that too.

On April 7, 2022, I filed a grievance and on May 3, 2022, I met with the Grievance Committee. They approved my request for a chair in my cell and the reviewing Sergeant stated that my request was not unreasonable based on my current medical condition and chairs do not present any security concerns. See enclosed IGRC findings.



3.

Vincent Verdi DIN # 19A 2467

On April 14, 2022, I filed a Special Accommodation Request (DOCS form 2614 B, enclosed) with the administration requesting a chair in my cell. My request was ultimately denied because Dr. HLA-PE-WTN claimed on the DOCS form that I had no disability or any functional limitations. I was flabbergasted by his affirmation on the form because his assessment was in direct contradiction to Dr. Muller's report. He in essence perjured himself which is a criminal offense.

On May 4, 2022, I received Superintendent's McGuinness denying my request stating the Nurse Administrator "determined at this time a chair in the cell is a security and safety risk". I was incredulous by his justification to deny the chair because the Nurse Administrator was not involved in this decision process to my knowledge. See enclosed form.

In closing, I filed a complaint against Dr. HLA-PE-WTN with the New York State Department of Health, Office of Professional Medical Conduct.

Respectfully Submitted,  
Vincent Verdi

cc: Arthur V. Gage  
Attorney-at-law



MAY 3, 2022

DS Farah:

I am dismayed as to why you have consistently ignored all of my letters to you regarding my Health Care Proxy form. I have not received it and I explained to you that after I reviewed my medical records I discovered the form was missing. I suspect it was either deliberately not placed or removed from my medical file.

I don't know if you are aware but the form is a "legal document" that Doccs is required "by law" to provide me and at my request made part of my medical record. I have also sent numerous letters to the Nurse Administrator, DR. HLA-PE-WIN, and went so far as putting in a sick call slip in my attempt to speak to someone about this but all to no avail.

This is very unsettling to me and I don't understand why you and this administration continue to abrogate my legal rights.

I also want to bring to your attention another, very troubling matter. On April 7, 2022, I met with DR. HLA-PE-WIN about the tear of my pubic arch and how painful it was and that it was impacting my daily life activities such as: standing, walking, and bending. I found that when I am sitting in a chair it supports my back and greatly alleviates my acute pelvic pain. I requested DR. HLA-PE-WIN provide me a medical permit for a chair in my cell but he denied my request. I then submitted a Special Accommodation Request but he perjured himself on the form and claimed that I had no functional limitations or



2.

disability. Whereas the radiological report in my medical file dated 12/15/21 states that I have "9mm fragment to my left pubic arch consistent with avulsion (forcibly tearing) of my ischial (pubic bone) with a fragment sharply defined and displaced inferiorly". I have a copy of the report.

His false statement by affirmation on a DoCCS form is perjury and as such is a criminal offense. So then I ask you, why would DR. HLA-PE-WTN lie?

His outright lie meets the subjective prong of deliberate indifference whereas he is aware that denying the chair will put me at substantial risk of greater injury. Instead he ordered another x-ray of my hip only delaying the treatment of my medical needs in the means and manner of the delivery of adequate health care is a violation of Title II of the American Disabilities Act and the Civil Rights of Institutionalized Persons Act, notwithstanding, a violation of my Eighth and Fourteenth Constitutional protections.

I recognize DR. HLA-PE-WTN is hiding behind his official immunity but, it is my hope you will not be complicit in his medical malfeasance. I have a legitimate medical issue.

Respectfully submitted,

Vincent Verdi - DIN # 15A2463

cc: Arthur Gage

attorney-at-law

bar # 009692



June 3, 2022

DSA Farah:

On May 3, 2022, I wrote and made you aware that Dr. HLA-PE-WJN, has failed to treat the fracture of my left hip and how it was impacting my daily activities such as: walking, bending, and standing for any length of time. I also made you aware that I had filed a Special Accommodation Request for a chair, but it was denied by the Administration solely based on Dr. HLA-PE-WJN's false statements.

He stated (Doccs form 264B) that I had no physical disability or any physical limitations and went so far to state that there was no record of my injury in my medical file. His false statements are punishable under N.Y.S. Penal Code 210.45, and his actions clearly demonstrate his deliberate indifference toward me in treating my injury in the means and manner of the delivery of adequate health care.

Notwithstanding, his false <sup>statements</sup> puts into question his ethical and moral conduct as a physician treating patients at any correctional facility. You are creating an environment that allows him to continue to hide behind his special immunity and to act with deliberate indifference toward me and the many others under his care.

It is my hope that you will take the necessary steps to remedy this problem and have him grant my medical permit for a chair.

Respectfully submitted

Vincent Verdi

DINA 19A 2467

EXHIBIT 9





## Corrections and Community Supervision

KATHY HOCHUL  
Governor

ANTHONY J. ANNUCCI  
Acting Commissioner

### MEMORANDUM

BI-104

To: I/I Verde19A2467

From: Marisa Ruiz, RN/NA

Subject: Letters regarding Lower Extremities

Date: 07/19/22

Dear Mr. Verdi,

I am writing you regarding the letter you mailed to me in June. I am sorry that your medical issues were not addressed in your last visit with Dr. Win. I have discussed your issues with Dr. Win, and you are scheduled to meet with him within the month to discuss your issues with your hip, lower extremities, and daily living skills. I know in the past you requested to have a chair in your room. Due to safety issues and hazards we are unable to accommodate this request, but you can discuss this with Dr. Win at your next scheduled appointment.

Thank you for your time and patience and we look forward to helping you with your current medical issues to maximize your health and wellness.

Thank you.

Marisa Ruiz, NA

A handwritten signature in black ink, appearing to read "Marisa", written over a horizontal line.

cc: file DSA